

### REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 9-11 are presented for consideration. Claim 9 is the sole independent claim. Claims 9 and 11 have been amended to clarify features of the subject invention and to correct a typographical error, respectively. Support for these changes can be found in the original application, as filed. Accordingly, no new matter has been added.

Applicants request favorable reconsideration and withdrawal of the objection and rejection set forth in the Office Action dated January 22, 2009.

Claim 11 was object to due to an informality. Specifically, the Examiner required that a typographical error in line 2 of this claim be corrected. According, Applicants have corrected "membrane" to read -- membrane --. Applicants submit, therefore, that the Examiner's objection has been overcome. Such favorable indication is requested.

Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,171,730 to Kuroda et al. in view of U.S. Patent Application Publication No. 2002/0130425 to Koike et al. Applicants submit that the cited art, whether taken individually or in combination, does not teach or suggest many features of the present invention, as previously recited in these claims. Therefore, this rejection is respectfully traversed. Nevertheless, Applicants submit that independent claim 9, for example, as presented, amplifies the distinctions between the present invention and the cited art.

Independent claim 9 recites a near-field exposure method including preparing a photomask for near-field exposure, having a light blocking film provided on a base material

constituting a membrane portion and a support member supporting the base material, in which a first alignment mark for rough alignment is provided on the support member and a second alignment mark for fine alignment is provided on the membrane portion, setting the photomask and an object to be exposed in a near-field exposure apparatus, aligning the photomask and the object using the first alignment mark, flexing the membrane portion to contact with the object and detecting a positional relation between the membrane portion and the object using the second alignment mark, repeating the flexing step to recognize that a deviation from a correct position of the membrane corresponding to the object is in an acceptable range, and exposing the object to light from a light source by way of the photomask.

By such an arrangement, the present invention provides a near-field exposure method in which, among other features, the flexing step is repeated to recognize that a deviation from a correct position of the membrane corresponding to the object is in an acceptable range. This feature is discussed in more detail in the original disclosure on page 16, lines 15-21, for example. By such an arrangement, in the present invention, the position of the exposure mask can be accurately brought into an acceptable range relative to the object to be exposed.

Applicants submits that the cited art does not teach or suggest such features of Applicants' present invention, as recited in independent claim 9.

The Examiner relies on the Kuroda et al. patent for teaching forming a mask having a thin chromium film 304 provided on a supporting member 310, and an exposure method for transferring a pattern to an object to be exposed by bringing a first surface of the mask into substantially uniform contact with the object to be exposed by elastically deforming the mask and irradiating a second surface of the mask, which is brought into substantially uniform contact with the object to be exposed, the second surface being opposite to the first surface. The

Examiner further considers the Kuroda et al. patent to discuss that the mask and the object to be patterned are aligned and subsequently exposed. The Examiner notes, however, that the Kuroda et al. patent does not teach or suggest forming first and second alignment marks on the mask. Applicants further submit that the Kuroda et al. patent does not teach or suggest anything regarding repeating a flexing step to recognize that a deviation from a correct position of a membrane corresponding to an object is in an acceptable range, in the manner of Applicants' present invention, as recited in independent claim 9.

Applicants further submit that the remaining art cited does not cure the deficiencies noted above with respect to the Kuroda et al. patent.

The Koike et al. publication relates to a mask blank having a plurality of pattern formation regions in which mask circuit patterns are to be formed and a supporting region in which a mask circuit pattern is not to be formed. The supporting region is provided for holding the plurality of pattern formation regions while separating the plurality of pattern formation regions from each other. The supporting region has first and second alignment marks. Exposure of a mask made from the mask blank for forming mask circuit patterns thereon is performed on the basis of the first alignment marks and exposure of a substrate for forming circuit patterns thereon is performed on the basis of the second alignment marks.

Applicants submit, however, that the Koike et al. publication, as with the Kuroda et al. patent, does not teach or suggest at least the features of Applicants' present invention, as recited in independent claim 9, of repeating a flexing step to recognize that a deviation from a correct position of a membrane portion corresponding to an object is in an acceptable range. Applicants submit, therefore, that the Koike et al. publication adds nothing to the teachings of the Kuroda et

al, patent that would render obvious Applicants' present invention, as recited in independent claim 9.


For the foregoing reasons, Applicants submit that the present invention, as recited in independent claim 9, is patentably defined over the cited art, whether that art is taken individually or in combination.

Dependent claims 10 and 11 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in independent claim 9. Further individual consideration of these dependent claims is requested.

Applicants submit that the instant application is in condition for allowance. Applicants request favorable reconsideration, withdrawal of the objection and rejection set forth in the above-noted Office Action and an early Notice of Allowance.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Steven E. Warner  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
SEW/eab

FCHS\_WS 3195535\_1